

ORIGINAL

A09-0601

IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court Cause No. _____

Phyllis Jamison
Pro Se Appellant
P.O. Box 343
Clinton, MT 59825
Phone & Fax (406) 825-2004

PHYLLIS JAMISON,

Plaintiff-Appellant,

NOTICE OF APPEAL

v.

FRED VAN VALKENBURG,
MISSOULA COUNTY COMMISSION,
BILL CAREY, COMMISSIONER, JEAN
CURTISS, COMMISSIONER, JAMES
MCCUBBIN, DEPUTY COUNTY
ATTORNEY, DENA L. LUND, JACK S.
LUND, RICHARD B. WHEATLEY,
TAMBRY T. WHEATLEY,

Respondents-Appellees.

FILED

NOV 09 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

NOTICE is given that Phyllis Jamison, the Appellant above-named and who is the plaintiff in that cause of action filed in the Fourth Judicial District, in and for the County of Missoula, as Cause No. DV-08-1047, hereby appeals to the Supreme Court of the State of Montana from the final judgment entered in such action on the 9th day of September, 2009. Because a government entity is a party, there are 60 days to file this Notice of Appeal from 9-9-09.

THE APPELLANT FURTHER CERTIFIES:

1. That this appeal _____ is/is not ☒ subject to the mediation process required by M. R. App. P. 7. If subject to mediation, the money judgment being sought _____ is/is not _____ less than \$5,000.
2. That this appeal _____ is/is not ☒ an appeal from an order certified as final under M. R. Civ. P. 54(b). If this is such an appeal, a true copy of the District Court's certification order is attached hereto as Exhibit "A."

1 3. That the notice required by M. R. App. P. 27 has been or will be given, within 11 days
2 of the date hereof, to the Supreme Court and to the Montana Attorney General with respect to a
3 challenge to the constitutionality of any act of the Montana Legislature.

4 4. That all available transcripts of the proceedings in this cause ✓ have been/have
5 not been ordered from the court reporter contemporaneously with the filing of this notice of
6 appeal. If all available transcripts have not been ordered, that Appellant has complied with the
7 provisions of M. R. App. P. 8(3) contemporaneously with the filing of this notice of appeal.

8 5. That included herewith is the filing fee prescribed by statute, or the affidavit to
9 proceed without payment of the required filing fee prescribed in the Appendix of Forms as Form
10 3.

11 Dated this 7th day of November, 2009.
12 Phyllis Jamison
13 Phyllis Jamison
14 Pro Se Appellant

15 CERTIFICATE OF SERVICE

16 I hereby certify that I have filed a true and accurate copy of the foregoing NOTICE OF
17 APPEAL with the Clerk of the Montana Supreme Court; and that I have served true and accurate
18 copies of the foregoing NOTICE OF APPEAL upon the Clerk of the District Court, each
19 attorney of record, and each party not represented by an attorney in the above-referenced District
20 Court action, as follows:

21 I, the undersigned pro se appellant, hereby certify
22 that on this 7th day of November, 2009 I served a true and
23 complete copy of the foregoing Pro Se Appellant's "Notice of
24 Appeal" by depositing the same in the United States Mail,
postage prepaid thereon, addressed as follows:

25 Shirley E. Faust, Clerk of District Court
26 Clerk of District Court Office
27 200 West Broadway Street
Missoula, MT 59802

28
29 Paul Sharkey
30 Phillips Law Firm, P.C.
31 P.O. Box 8569
Missoula, MT 59807-8569
32 Counsel for Dena Lund & Jack Lund

33 Alan F. McCormick
34 Garlington, Lohn & Robinson
35 P.O. Box 7909
Missoula, MT 59807-7909
36 Counsel for Missoula County

Richard B. Wheatley
3004 Woodville Avenue
P.O. Box 116
Clinton, MT 59825

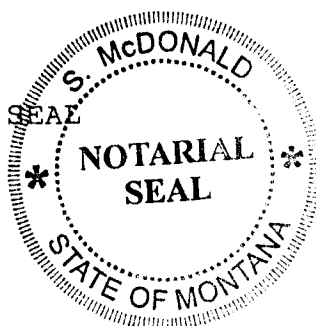
Tambry T. Wheatley
3004 Woodville Avenue
P.O. Box 116
Clinton, MT 59825

Dated this 7th day of November, 2009.

Phyllis Jamison

Phyllis Jamison
P.O. Box 343
Clinton, MT 59825
Pro Se Appellant

Subscribed and sworn to before me this 7th day of November,
2009.



S. McDonald, S. McDonald
Notary Public for the State of Montana
Residing at 2010, MT
My Commission expires 2/26/2011